THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 11637 OF 2002

Dated 26th September, 2007

Between:

Smt. N.Lalitha

… Petitioner.

And

The Sub-Registrar of Assurances
and Registration, Renigunta, Renigunta
Mandal, Chittoor District.

…Respondent.

ORAL ORDER:

In this writ petition, the petitioner seeks directions by way of mandamus to the respondents to entertain registration of the documents pertaining to land in Survey No. 392-1 to an extent of Ac.7.20 cents situated at Venugopalapuram village, Hamlet of Karakambadi Revenue village, Renigunta Mandal, Chittoor District.

In the affidavit filed in support of the writ petition, it is stated that the petitioner had purchased land to an extent of Ac.7.20 cents in R.S.No. 392-1 of Venugopalapuram village, Hamlet of Karakambodi village, Renigunta Mandal, Chittoor District from its previous owners, namely, M.Gopal Raju, V.C.Ramachandra Pillai and P.Munikrishnama Naidu through registered sale deed dated 30.7.1991 vide document No.3985 and the vendors of the petitioner purchased the above said property from one D.Nagaratnamma by registered sale-deed dated 9.8.1985. It is also the case of the petitioner that earlier, with regard to very same land, there was an adjudication by the competent authority under the provisions of the Estate Abolition Act and the Settlement Officer has issued patta vide proceedings in S.R.No. 26/11(a)/86/CTR, dated 7.12.1986. In view of the above, it is the case of the petitioner that though the above said land is a private patta land and due to the financial needs, when the petitioner wants to sell the property and execute the sale deeds in favour of third parties, the respondent is not accepting the said document for registration on the ground that it is assigned land.

Though the writ petition is of the year 2002, but no counter affidavit is filed. In the absence of counter affidavit, it is not clear as to what are the reasons for not accepting the documents for registration. But, however, it is submitted by the learned Government Pleader that as the said land is assigned land, the

documents were not accepted for the purpose of registration.

If there are any reasons for not accepting the documents for the purpose of registration, it is obligatory on the part of the registering authority to record reasons as contemplated under Section 71 of the Registration Act. It is the case of the petitioners that the said lands are private patta lands and purchased by registered sale deed from its earlier vendors through document bearing No. 3985 dated 30.7.1991. It is also the case of the petitioner that the earlier vendors of the petitioner purchased from one Nagaratnamma who was also granted patta under the provisions of the Estate Abolition Act. In view of the said averments, it is a matter where the respondents cannot refuse to receive the documents at all. If any valid reasons are there, while it is open for the respondents to record reasons and communicate the same, but, however, without recording any reasons, they cannot refuse to receive the documents for the purpose of consideration for registration. In that view of the matter, I dispose of the writ petition directing the respondents that if the petitioner presents sale documents for registration with regard to land in Survey No. 392-1 to an extent of Ac.7.20 cents situated at Venugopalapuram village, Hamlet of Karakambadi Revenue village, Renigunta Mandal, Chittoor District, they shall accept the said documents and consider for the purpose of registration. The respondents shall also consider the earlier documents, which the petitioner is relying on to show that the said lands are private patta lands. It is also clarified that if there are any valid reasons, it is open for the respondents to record the said reasons for refusal to register the document and communicate the same to the petitioner.

Subject to above direction, the writ petition is disposed of. No costs.

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26-9-2007 **R.SUBHASH REDDY, J.**

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